IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1075 OF 2004

Shri Narayan Maruti Khatal & ors. ..Appellants

Versus

Namdeo Ramrao Khatal & Ors. ..Respondents

Mr.T.S.Ingale for appellants

CORAM : P.V.KAKADE, J.

DATE : 27TH JUNE, 2005.

P.C.:

1. The appellants have preferred this appeal against the judgment and order passed by Addl. District Judge, Solapur dated 5.2.2004 dismissing the appeal and confirming the judgment and order passed by Civil Judge, Junior Division, Madha dated 27.6.2001 dismissing the suit of the plaintiffs' claiming 1/2 share in the suit Well which is located in the suit land.

2. I have heard the learned counsel for the appellants. Perused the record.

3. It is apparent that the appellants have relied upon the consolidation scheme documents, which are on record in order to claim their 1/2 share to the suit Well in order to fetch water. However, the document by M.E.No.263 (Exh.31) itself shows that the plaintiffs have 1/4 share in the suit well and therefore, there is absolutely no evidence, as recorded by both the courts below, to show that the appellants have 1/2 share in the suit well in order to fetch the water. In view of this position I am satisfied that both the courts below have appreciated the evidence in proper perspective. There is no substantial question of law involved in this appeal and as such the appeal stands dismissed.